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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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EXAMINER	
MERLINO, ALYSON MARIE	
ART UNIT	**PAPER NUMBER**
3673	

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12/26/2007	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No.	Applicant(s)	
	10/562,166	KRISCH ET AL.	
	Examiner	Art Unit	
	Alyson M. Merlino	3673	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *23 December 2005*.

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *19-68* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *19-22,25-39,42-55 and 58-68* is/are rejected.

7)☒ Claim(s) *23,24,40,41,56 and 57* is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☒ The drawing(s) filed on *23 December 2005* is/are: a)☐ accepted or b)☒ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☒ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☒ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☒ Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date *23 December 2005*.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ .
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____.

DETAILED ACTION

Drawings

1. The drawings are objected to under 37 CFR 1.83(a). The drawings must show every feature of the invention specified in the claims. Therefore, the housing with two lock cores or two knob shafts must be shown or the feature(s) canceled from the claim(s). No new matter should be entered.

Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as "amended." If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

Claim Objections

2. Claims 19, 23, 36, 40, 53, and 56 are objected to because of the following informalities:

a. In regards to claims 19, 36, and 53, line 8 of the claims, the phrase "the rest position" should be "a rest position" since this limitation is not recited in the preceding lines of the claims.

b. In regards to claims 23, 40, and 56, line 2 of the claims, the phrase "around motor shaft" should be "around a motor shaft" since this limitation is not recited in any of the preceding claims.

c. In regards to claims 23, 40, and 56, line 2 of the claims, the phrase "around motor shaft" should be "around a motor shaft" since this limitation is not recited in any of the preceding claims.

d. In regards to claims 23, 40, and 56, line 3 of the claims, the phrase "the lift movement of driver" should be "the lift movement of the driver" for clarification.

Appropriate correction is required.

Claim Rejections - 35 USC § 112

3. The following is a quotation of the second paragraph of 35 U.S.C. 112:

> The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

4. **Claims 25, 26, 27, 28, 36, 42, 43, 44, 45, 58, 59, 60, and 61 are rejected** under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

5. **Claims 25, 42, and 58** recite the limitation "the free end of the pin" in the last line of the claims. There is insufficient antecedent basis for this limitation in the claim. For examination purposes, the claims will be given a broad interpretation until further clarification from applicant.

6. **In regards to claims 25, 26, 27, 28, 42, 43, 44, 45, 58, 59, 60, and 61**, it is unclear what component applicant is intending to claim when referring to "the sleeve." Specifically, it is unclear from the claims if "the sleeve" is the same component as "the rotary sleeve." For examination purposes, the claims will be given a broad interpretation until further clarification from applicant.

7. **Claims 27, 44, and 60** recite the limitation "the thickened end" in the last line of the claims. There is insufficient antecedent basis for this limitation in the claim. For examination purposes, the claims will be given a broad interpretation until further clarification from applicant.

8. **In regards to claim 36**, it is unclear how the lock core will be "in" the knob shaft in reference to the lock tab being freely rotatable when the blocking or coupling element is in the rest position. Specifically, in view of Figure 4, the knob shaft is shown within a cylindrical receptacle, not the lock core. For examination purposes, it will be considered that the lock tab is freely rotatable relative to the lock core or the knob shaft until further clarification from applicant.

Claim Rejections - 35 USC § 102

9. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

10. **Claims 19-22, 25-29, 35-39, 42-46, 52-55, 58-62, and 68 are rejected** under 35 U.S.C. 102(e) as being anticipated by Goldman (US-6865916).

11. **In regards to claim 19**, Goldman discloses an electromechanical lock cylinder that cooperates with evaluation electronics to recognize access authorization, including a housing (portion near reference character 14, Figure 2) that includes two opposite cylindrical receptacles, in which either a lock core, which can be operated by a key, or a knob shaft 16, 18, which is connected to rotate in unison with a knob 12, are mounted to rotate, in which the lock cores or knob shafts cooperate with a lock tab 20, which operates, in particular, a bolt or a latch of a door lock (Col. 4, lines 22-25), and, with a fitting key or access authorization 76, an electromechanically driven blocking or coupling element 42, 50 is moved from a rest position (Figure 2) to an operating position (Figures 3A and 3B) and produces a splined connection between the key or knob and the lock tab (Col. 5, lines 3-12), whereas the lock tab, in the rest position of the blocking or coupling element, is freely rotatable relative to the two lock cores or the two knob shafts (Col. 4, line 61-Col. 5, line 2), wherein the blocking or coupling element is arranged on or in the lock core or on or in the knob shaft (Figure 2) and rotates with it (apparent from Figures 2-3B), and includes an eccentric 64, which moves a driver back 42 and forth between the rest position and the operating position, in which it engages in a recess 38 of the lock tab or rotary sleeve, on which the lock tab is arranged.

12. **In regards to claim 20**, Goldman discloses a continuous lock core or continuous knob shaft is present (apparent from Figure 3A), which extends from one side of the housing to the opposite side and can be operated from both sides by a key or rotated by a knob (apparent from Figure 3A).

13. **In regards to claims 21, 22, 38, 39, 54, and 55**, Goldman discloses that the rest position and/or the operating position of the driver lie beyond the corresponding dead centers of the eccentric by a predetermined angle of rotation of 10° to 30° beyond the corresponding dead center (position of driver, apparent from Figures 2-3B).

14. **In regards to claim 25, 42, and 58**, Goldman discloses that the driver includes a slide 28, 32 whose free end is guided in the sleeve (apparent from Figure 3B), whose free end enters the recess of the lock tab or rotary sleeve, and in whose interior a compression spring 34 is arranged.

15. **In regards to claims 26, 28, 43, 45, 59, and 61**, Goldman discloses the depth of the recess of the lock tab or the rotary sleeve is dimensioned so that when the driver is engaged (Figure 3B), the compression spring in the sleeve is still under tension (Figure 3B).

16. **In regards to claim 27, 44, and 60**, Goldman discloses that the sleeve on its side opposite the free end of the driver has a stop (portion between reference character 28 and 32 indicators, Figure 3B), against which a thickened end of the slide stops (Figure 3B).

17. **In regards to claim 29 and 62**, Goldman discloses that the driver, in the rest position, is held by spring force (spring force created by spring 66, Figure 2).

18. **In regards to claim 35, 52, and 68**, Goldman discloses that the blocking or coupling element includes an electromagnetic or electric motor drive (Col. 4, lines 49-52).

19. **In regards to claim 36**, Goldman discloses an electromechanical lock cylinder that cooperates with evaluation electronics to recognize access authorization, including a housing (portion near reference character 14, Figure 2) that includes two opposite cylindrical receptacles, in which, on one side of the housing, a lock core 22, 76, which can be operated by a key (proper access code inputted on keypad 80, Figure 2), and, on the opposite side, a knob shaft 18, which is connected to rotate in unison with a knob 12, are mounted to rotate, in which the lock core and/or knob shaft cooperate with a lock tab 20, and especially operate a bolt or a latch of a door lock (Col. 4, lines 22-25), and, with a fitting key and/or access authorization (access code), an electromechanically driven blocking or coupling element 42, 50 is moved from a rest position (Figure 2) to an operating position (Figures 3A and 3B) and produces a splined connection between the key and/or knob and the lock tab (Col. 5, lines 3-12), whereas the lock tab, in the rest position of the blocking or coupling element, is freely rotatable relative to the lock core or the knob shaft (Col. 4, line 61-Col. 5, line 2), wherein the blocking or coupling element is arranged on or in the lock core or on or in the knob shaft (Figure 2) and rotates with it (apparent from Figures 2-3B), and includes an eccentric 64, which moves a driver back 42 and forth between the rest position and the operating position, in which it engages in a recess 38 of the lock tab or rotary sleeve, on which the lock tab is arranged.

20. **In regards to claim 37**, Goldman discloses that the lock core and knob shaft are connected to rotate in unison with each other or made in one piece (apparent from Figure 2).

21. **In regards to claim 53**, Goldman discloses an electromechanical lock cylinder that cooperates with evaluation electronics to recognize access authorization, including a housing (portion near reference character 14, Figure 2) that includes a cylindrical receptacle, in which, either lock core, which can be operated by a key, or a knob shaft 18, which is connected to rotate in unison with a knob 12, are mounted to rotate, in which the lock core or knob shaft cooperate with a lock tab 20, which operates, in particular, a bolt or a latch of a door lock (Col. 4, lines 22-25), and, with a fitting key and/or access authorization (access code inputted using keypad 80), an electromechanically driven blocking or coupling element 42, 50 is moved from a rest position (Figure 2) to an operating position (Figures 3A and 3B) and produces a splined connection between the key and/or knob and the lock tab (Col. 5, lines 3-12), whereas the lock tab, in the rest position of the blocking or coupling element, is freely rotatable relative to the lock core or the knob shaft (Col. 4, line 61-Col. 5, line 2), wherein the blocking or coupling element is arranged on or in the lock core or on or in the knob shaft (Figure 2) and rotates with it (apparent from Figures 2-3B), and includes an eccentric 64, which moves a driver back 42 and forth between the rest position and the operating position, in which it engages in a recess 38 of the lock tab or rotary sleeve, on which the lock tab is arranged.

Claim Rejections - 35 USC § 103

22. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

23. This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

24. **Claims 30-34, 47-51, and 63-76 are rejected** under 35 U.S.C. 103(a) as being unpatentable over Goldman (US-6865916) in view of Büser et al. (US-5010750).

25. **In regards to claims 30-34, 47-51, and 63-76**, Goldman discloses the electromechanical lock cylinder as applied to claims 19-22, 25-29, 35-39, 42-46, 52-55, 58-62, and 68 above, but fails to disclose that the lock cylinder includes recording devices, such as a sensor, to record the status of various components of the lock through the use of a signal. Büser et al. teaches an electromechanical lock cylinder having multiple recording devices S1, S2 such as a sensor for evaluating the status of components. Since the inclusion of recording devices such as a sensor would not

hinder the ability of the electromechanical lock cylinder to actuate a bolt or latch of a door lock, it would have been obvious to one of ordinary skill in the art at the time the invention was made to include recording devices, such as sensors, to evaluate the status of a component of a device in order to enhance the security and efficiency of operation of the device.

Allowable Subject Matter

26. Claims 23, 24, 40, 41, 56, and 57 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Alyson M. Merlino whose telephone number is (571) 272-2219. The examiner can normally be reached on Monday through Friday, 7:30 - 5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Patricia Engle can be reached on (571) 272-6660. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

AM
December 17, 2007

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